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**BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
OF THE STATE OF CALIFORNIA**

In the Matter of:

NMLS NO.: 421873

THE COMMISSIONER OF BUSINESS
OVERSIGHT,

Complainant,

v.

DIANDRE LAMONT LOPEZ, an individual,

Respondent.

STATEMENT OF ISSUES IN SUPPORT OF
NON-ISSUANCE OF MORTGAGE LOAN
ORIGINATOR LICENSE

The California Commissioner of Business Oversight (“Commissioner”) is informed and believes, and based upon such information and belief, alleges and charges as follows:

I

Introduction

The Commissioner has determined not to issue a mortgage loan originator license to DiAndre Lamont Lopez ("Lopez"), pursuant to the California Finance Lenders Law (Fin. Code, § 22000 et seq.) (“CFL”) section 22109.1 and the California Residential Mortgage Lending Act (Fin. Code, § 50000 et seq.) (“CRMLA”) section 50141, because Lopez has pled guilty to or has been convicted of two felonies involving dishonesty and has also failed to disclose one additional felony to the

1 Commissioner.

2 Specifically, Lopez's mortgage loan originator license application should be denied because
3 Lopez is the subject of two felony convictions, robbery and bank robbery, involving dishonesty.
4 Lopez also failed to disclose an additional felony conviction, felon in possession of a firearm, during
5 the mortgage loan originator application process, which calls into question Lopez's general fitness to
6 operate honestly and fairly as a mortgage loan originator.

7 II

8 The Application

9 On or about July 11, 2013, Lopez filed an application for a mortgage loan originator license
10 with the Commissioner. Lopez's application was submitted to the Commissioner by filing Form MU4
11 through the Nationwide Mortgage Licensing System ("NMLS").

12 Form MU4 at Question F specifically asked: "Have you ever been convicted of or pled guilty
13 or nolo contendere ('no contest') in a domestic, foreign, or military court to any felony?" Lopez
14 answered "yes".

15 When submitting the Form MU4, applicants use an electronic signature to attest, under
16 penalty of perjury, that the information contained in an application is current, complete and accurate.
17 Lopez's mortgage loan originator license application reads, in part:

18 I DiAndre Lamont Lopez (421873) . . . swear (or affirm) that I
19 executed this application on my own behalf, and agree to and represent
the following:

20 . . .

21 That the information and statements contained herein, including
22 exhibits attached hereto, and other information filed herewith, all of
23 which are made a part of this application, are current, true, accurate and
complete and are made under the penalty of perjury, or un-sworn
falsification to authorities, or similar provisions as provided by law.

24 . . .

25 If an Applicant has made a false statement of a material fact in this
26 application or in any documentation provided to support the foregoing
27 application, then the foregoing application may be denied.

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III**Criminal Convictions**

Lopez stated in the Form MU4 that he had been convicted of a felony. In providing details about the felony conviction, Lopez stated he was involved in an armed robbery. As a result, Lopez was charged with four felony counts: (1) robbery; (2) use of a firearm; (3) bank robbery; and (4) the use of a firearm during the commission of a felony. Documentation produced by Lopez during the application process disclosed that Lopez, in the Superior Court of California, County of Orange, had pled guilty to robbery and was found guilty of the three additional charges. On or about October 27, 1992, Lopez was therefore convicted of four felonies. Lopez was sentenced to thirty six months incarceration. Lopez has since completed the terms of his conviction.

Preceding Lopez's January 9, 2014 application for a mortgage loan originator license, Lopez pled guilty to or was convicted of four felonies related to his arrest for armed robbery. Of the four felonies, two of the felonies, robbery and bank robbery, are felonies involving an act of fraud or dishonesty.

IV**Misrepresentation**

Lopez failed to disclose in the Form MU4 that he had been convicted of a fifth additional felony. On or about April 28, 1997, Lopez pled guilty to the felony of a felon in possession of a firearm.

Lopez's Form MU4 is inaccurate; Lopez misrepresented that his only convictions stem from his arrest for armed robbery. Lopez failed to disclose his felon in possession of a firearm conviction in his Form MU4.

Therefore, Lopez made, or caused to be made, a material misrepresentation to the Commissioner. Making a misrepresentation during the mortgage loan originator license process casts doubt on Lopez's character and general fitness to command the confidence of the community and operate honestly and fairly as a mortgage loan originator.

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V**Applicable Law**

Section 22109.1 of the CFL and section 50141 of the CRMLA, contain substantial similar language and provide in relevant part:

(a) The commissioner shall deny an application for a mortgage loan originator license unless the commissioner makes, at a minimum, the following findings:

...
(2)(A) The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court during the seven-year period preceding the date of the application for licensing and registration, or at any time preceding the date of application, if the felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering. Whether a particular crime is classified as a felony shall be determined by the law of the jurisdiction in which an individual is convicted.

...
(3) The applicant has demonstrated such financial responsibility, character, and general fitness as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of this division.

(Fin. Code, §§ 22109.1 & 50141.)

Courts have held that the felonies of robbery and bank robbery involve dishonesty. (See *People v. Rodriguez* (1986) 17 Cal.App.3d 174, 178.) In *People v. Rodriguez*, the court reasoned:

The threshold question is whether the prior felonies in this case necessarily involve moral turpitude. Since robbery and burglary each necessarily involve a specific intention to commit a theft, or in the case of burglary, a theft or a felony within a protected structure, each involves elements of dishonesty and a readiness to do evil.

(*Id.* at 178.)

VI**Conclusion**

The Commissioner finds, by reason of the foregoing, that Lopez has pled guilty or has been convicted of two felonies, robbery and bank robbery, involving dishonesty and has also failed to

1 disclose one additional felony, of a felon in possession of a firearm. Failure to disclose this additional
2 felony calls into question Lopez's general fitness to operate honestly and fairly as a mortgage loan
3 originator.

4 THEREFORE, Financial Code sections 22109.1 and 50141 mandate that the Commissioner
5 not issue a mortgage loan originator license to Lopez.

6 WHEREFORE IT IS PRAYED that the determination of the Commissioner not to issue a
7 mortgage loan originator license to Lopez in connection with Lopez's January 9, 2014 application be
8 upheld.

9 Dated: June 8, 2015
10 San Diego, CA

JAN LYNN OWEN
Commissioner of Business Oversight

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12 By _____
13 ALEX M. CALERO
14 Senior Counsel
15 Enforcement Division
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